

S.B. Civil Writ Petition NO.3222/2004

Smt. Kanta Devi Vs. The District Collector, Chittorgarh &
Ors.

Date of Order : 11-12-2004

HON'BLE MR. PRAKASH TATIA, J.

Mr. D.S. Udawat, for the petitioner.

Heard learned counsel for the petitioner.

The petitioner is aggrieved against the order dated 8.7.2004 which was passed by the Food Commissioner, Department of Food Civil Supply and matter relating to the Consumer, Rajasthan, Jaipur.

Learned counsel for the petitioner submits that petitioner was allotted a fair price shop vide order dated 30.1.2003(Annexure-4). Aggrieved against the said order one Chandrapal Singh preferred an appeal under Clause 22 of the Rajasthan Food Grain and Other Essential Articles (Regulation of Distribution) Order, 1976. The said appeal was allowed by the Food Commissioner vide order dated 8.7.2004 and the allotment made in favour of the petitioner was set aside and the allotment was ordered in favour of the respondent appellant Chandra Pal Singh.

Learned counsel for the petitioner submits that there was agreement between the member of the Committee for allotment of fair price shop to the petitioner but in fact the selection Committee did not take any decision and did not make any recommendation. When the matter was sent to the District Collector, the District Collector on finding that there was agreement for the name of the petitioner by three members, the District Collector passed the order in favour of the petitioner allotting fair price shop to the petitioner. Learned counsel for the petitioner submits that it is clear from the proceedings taken for selection of the candidates placed on record that there was agreement for the name of petitioner by three members out of five, therefore, his selection was rightly made by the learned District Collector.

I considered the submissions of learned counsel for the petitioner and perused the documents placed on record.

It is clear from the finding recorded by the Food Commissioner that in the file, there was clear mention of holding that Chandrapal Singh is eligible for the allotment as he stood first. However, in the back page of that very file, there is mention that no decision was taken by the selection Committee. On this noting, there is no sign of any of the person named in the proceedings. In view of the

above fact only, I do not find any merit in the contention of petitioner that she was found suitable for allotment of the fair price shop.

In view of the above, no case is made out. Hence, the writ petition is dismissed.

[PRAKASH TATIA], J.

Praveen